

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID PAKTER

Plaintiff,

DECLARATION

ECF CASE 08 CV 7673

,

-against

NEW YORK CITY DEPARTMENT OF EDUCATION (“DOE”) f/k/a BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK; JOEL I. KLEIN, as Chancellor of the CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK and individually; ALEXIS PENZELL as LIS, Manhattan DOE and individually; MADELEINE APPELL, as Principal of Art and Design High School (“A&D”) and individually; JOHN LACHKY AS Assistant Principal A&D, then as Principal A&D and Individually; MARY ANN GEIST-DENINNO as Assistant Principal A&D and individually; HAROLD MASON as Assistant Principal A&D and individually, HILDA NIETO as Principal Fashion Industries (“FI”) High School and individually; GIOVANNI RASCHILLA as Assistant Principal FI and individually; AUDREY JACOBSON, M.D. as Medical Director DOE, and individually; ANN GARNER MD, as staff psychiatrist DOE and individually; RICHARD SCHUSTER, Ph.D as consulting psychologist, DOE, and individually;

Defendants.

DECLARATION UNDER 28 USC § 1746

I declare, verify, certify and state that the facts and statements contained herein are true and accurate to the best of my knowledge, information and belief and are based on testimony from certain Defendant NYC DOE employees and documents I received from Defendant NYC DOE employees.

Dated: June 12, 2010

New York, New York_

/s/

JOY HOCHSTADT

1. I was graduated from Brooklyn Law School in 2004 and was admitted in the state of NY in

February of 2005 and to the SDNY in May of 2005. .

2. I was 65 years old when I graduated; and though I was invited to a fair number of job interviews, I received no job offers. Therefore, I reclaimed my position as a Biology Teacher in a NYC High School and continued to do research and drafting for a well established general practitioner who had a long established litigation practice after school and taught biology during school hours.

3. By May of 2005, I met a retired State Acting Supreme Court Justice, who was practicing also in a litigation practice.

4. In the summer of 2006 I established my corporate Practice, Joy Hochstadt, P.C. .

5. Mr. Pakter's was the first case I filed in federal court not as a *pro se*.

6. That practice has grossed a total of \$88,000 over the past 18 months, and it has netted zero as it is operating at a deficit after paying all the practice expenses.

7. The very modest retainers from teachers who have been disciplined unfairly, like Mr. Pakter make up the bulk of practice. To date the only employment cases that I have actually won/drttlrf are my own.

8. I am waiting for those 33%. Contingency cases to settle or be won at trial, thus far I have not had this occur, though several are progressing to that to that point.

9. Mr. Pakter's case in 2008 was the first teacher case besides my own, that I undertook

10: In the two intervening years I have built up the practice to include many teachers. But all the cases are at intermediary points; none have as yet settled or gone to trial but, one trial is to begin July 26, 2010 in the Islip Courthouse of the EDNY,

11. In responding to Defense Motion to dismiss in this instant matter I required several adjournments, because first I was hospitalized with syncope, and then I was diagnosed with macular degeneration and had to reorganize my workspace (large monitor and keyboard) and accustom myself to meeting the challenges of unexpected limitations.

12. I also had a cellular modem for internet access at the time and my desk is at a place in my office that cellular calls are always getting dropped therefore when I tried to uipload numerous exhibits I would lose the call in the middle and have to start all over again –thus I did not get my response uploaded to ECF on time and it took days to get all the exhibits up. (Now I have cable modem).

13. Twelve days after I filed my response Mr. Martinez wrote to Judge Batts and complained about my vexatiousness in lengthy uploading, and there were too many footnotes ergo it would have

been too long—in fact it was a page too long (which I excused that the footnote placement left space at the bottom of certain pages).

14. I was devastated and sought advice.